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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

CARTER, KENDRA D

ART UNIT

PAPER NUMBER

1617

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Continuation:

For purposes of appeal, the proposed amendments will be entered, but do not place the application in condition for allowance because of the reasons below. Thus, all rejection of claims 31-35, 40-44, 67-69, 74-49 and 84 are upheld.

35 U.S.C. 103(a) rejection of claims 67-69 and 74-79

The Applicant argues that the Examiner has not identified how anti-aging skin compositions generally would include compositions formulated for slimming of the body, or why one of skill in the art would replace an agent taught to improve ceramide content of the skin with an agent that is taught to improve micro-circulation in the skin or vice versa. The Examiner disagrees because first, intended use does not get patentable weight in composition claims. The Examiner's motivation to combine does not have to be the same as the Applicant's. Sufficient motivation for combining the art is given on pages 6, 9, 11 and 12-15 of the previous office action.

35 U.S.C. 103(a) rejection of claims 31-35, 40-44 and 84

The Applicant argues that the prior art cited alone or in combination does not teach or suggest the use of phytophingosine as a slimming agent, and that the Examiner has incorrectly taken the position that cosmetic care to produce a slimming

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effect is somehow included within anti-aging or that all modes of skin aging are similarly treatable. The Examiner has not identified how anti-aging skin treatments generally would include methods of slimming of the body. The Applicant further argues that the Bombardelli et al. and Jackson et al. are not useful for the same purpose. The Examiner disagrees for reasons stated on pages 26 and 27 of the previous office action. The link to the method of the Bombardelli and wherein the cosmetic care produces a slimming effect is that Bombardelli et al. teaches a composition for the treatment of cellulitis or unestheticisms connected with a deposit of superfluous fat (see abstract). Since, the Applicant has disclosed in the claim that the method is intended to reduce subcutaneous excess fat, which causes the slimming effect (see claims 31 and 32 in particular), Bombardelli et al. in view of Jackson et al. addresses this limitation.